IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8094 OF 2005

Abhay Rajgonda Patil and Ors. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.R.V.More for applicants

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2005.

P.C.

. Heard Mr.More for applicant and Mr.Saste, A.P.P. for State. At the outset, Mr.More does not press this application as far as applicant

Nos. 1 and 2 are concerned.

2. As far as applicant Nos. 3 and 4 are concerned, Mr.More brings to my notice the statement recorded of Sanjay Kadam, Shyamrao Maruti and Ajit Patil. He also invites my attention to the recovery panchanama and in that behalf, he also invites my attention to the statement of Mr.M.R.Khade, A.P.I. Sangli Rural Police Station. From this material, it is clear that it is applicant Nos. 1 and 2 who have played the main role in the act of alleged murder of Sadhvi Mayuri Jain. As far as applicant Nos. 3 and 4 are concerned, they were waiting outside when accused Nos. 1 and 2 entered the premises and thereafter strangulated deceased with Nylon rope.

3. Mr.Saste, A.P.P. states that although, such acts are not attributed to applicant Nos. 3 and 4, they are part of conspiracy and,

therefore, enlarging them on bail, in these circumstances, would not be in the interest of justice. As to whether any further role is attributed to them or not is something which will have to be decided at the trial and, therefore, according to Mr.Saste, they should not be released on bail.

4. After having perused the above material, in my view, interest of justice would be protected if applicant Nos. 3 and 4 are enlarged on bail, with stringent conditions, including not to enter the village and report at the police station. There are no antecedents as far as applicant Nos. 3 and 4 are concerned. Statements having been recorded after more than three months of alleged incident, in my view, relief prayed in this application cannot be denied to applicant Nos. 3 and 4. Hence, following order:-

i) Applicant Nos. 3 and 4 i.e. Raju Rehman Mulani and Shahir Amin Mulani shall be released on bail in connection with C.R.No.59 of 2005 registered with Sangli Rural police station in the sum of Rs.10,000/- with one/two sureties in the like amount.

ii) Applicants shall attend Sangli Rural police station once a week on every Friday between 5.00 p.m. and 7.00 p.m. Applicants shall not enter the village Inam Dhamani, Taluka Miraj, Dist. Sangli till the trial is concluded.

iii) Applicants shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicants to delay the trial may be ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)